

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

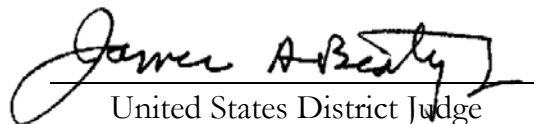
ROBERT ALEXANDER YORK, JR.,	)	
	)	
Petitioner,	)	
	)	1:12CV577
v.	)	1:08CR435-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

On July 2, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner and Respondent have both stipulated that no objections will be filed. (See Joint Stipulation [Doc. #27].) Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #25] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, as amended, [Doc. #15, #16] is GRANTED, and Petitioner's sentence set out in the Judgment [Doc. #14] is VACATED. The Clerk is directed to set this matter for resentencing. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This, the 15<sup>th</sup> day of July, 2013.

  
United States District Judge